

AMENDED IN SENATE APRIL 17, 2002

SENATE BILL

No. 1891

Introduced by Senator Perata

February 22, 2002

An act to amend Section 39007 of, and to add Section 39010 to, the Vehicle Code, relating to bicycle theft.

LEGISLATIVE COUNSEL'S DIGEST

SB 1891, as amended, Perata. Bicycle theft.

Under existing law, the Department of Justice are required to maintain records relative to stolen and lost bicycles in the Criminal Justice Information System, and these records are required to be accessible to authorized law enforcement agencies through the California Law Enforcement Telecommunications System.

This bill would make legislative findings and declarations concerning the seriousness of bicycle theft, and the promise of the Internet to help overcome the problem of identifying owners of stolen bicycles, so they can be returned when recovered. This bill would further declare the intent of the Legislature to encourage the use of Internet technology for bicycle registration, and to improve the rate of return of recovered bicycles to their rightful owners.

Existing law authorizes cities and counties to provide, by ordinance or resolution, that no resident may operate a bicycle on any highway or other public property within the jurisdiction of that local entity unless the bicycle is licensed. Existing law requires the Department of Motor Vehicles to design, procure, and distribute bicycle license indicia and registration forms to all counties and cities that have adopted the specified ordinance or resolution. Cities and counties are required to issue the indicia and forms to bicycle owners, impose fees for that

licensing and registration, and maintain bicycle registration records. Existing law requires bicycle retailers and dealers to supply purchasers with registration forms for submission to the licensing city or county. Existing law prohibits any bicycle retailer from selling any new bicycle in this state unless the bicycle bears a serial number.

This bill would prohibit, on and after January 1, 2004, any bicycle retailer from selling any new bicycle in this state unless the serial number required as specified above is preceded by the letters "SN" legibly and permanently stamped or cast on the frame in not less than 1/8 inch size. Because a violation of this provision would be an infraction under other provisions of the Vehicle Code, the bill would impose a state-mandated local program by creating a new crime.

The bill would authorize an Internet bicycle registration service, as defined, to register bicycles and issue bicycle licenses. A bicycle registered with an Internet bicycle registration service, recognized in an appropriate ordinance or resolution by a city or county, would be deemed under this bill to be registered and licensed in accordance with existing law. Under this bill, a bicycle retailer or dealer who, at the time of sale, provides for registration of the bicycle with an Internet bicycle registration service would be deemed to have complied with a specified provision of existing law relating to providing bicycle registration information at the time of sale. The bill would limit the fees charged by an Internet bicycle registration service to amounts specified in existing law, but would specifically authorize assessment of fees for multiyear license renewals. The bill would limit the use of certain personal identification information in a data base maintained by the service to specified purposes, and would specify civil and criminal penalties for a violation of that limitation. By creating a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.



The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Bicycle theft is a statewide problem that results in economic loss to thousands of California families each year.

(2) Bicycle theft also results in a reduced use of bicycles in California.

(3) Local police agencies recover thousands of lost and stolen bicycles each year.

(4) Only a small portion of these stolen or lost bicycles are ever returned to their rightful owners.

(5) The primary reason local police agencies are unable to return recovered bicycles is that the agencies cannot locate the rightful owners.

(6) Existing local registration systems do not allow law enforcement agencies in other jurisdictions to easily search for the rightful owners of bicycles they recover.

(7) Local registration systems have experienced difficulty in correctly identifying the correct serial number to use to register some bicycles.

(8) Expanded and improved use of Internet technology has created an opportunity to resolve many of these problems.

(9) Bicycles can be registered using Internet technology that allows immediate registration at point of sale or at home, and makes it simple for local law enforcement agencies to search for and locate the rightful owners of recovered bicycles.

(b) Therefore, the intent of the Legislature in enacting this act is to encourage the use of Internet technology for bicycle registration, and to improve the rate of return of recovered bicycles to their rightful owners.

SEC. 2. *Section 39007 of the Vehicle Code is amended to read:*

39007. ~~After December 31, 1976, no~~ (1) A bicycle retailer ~~shall~~ may not sell any new bicycle in this state unless ~~such~~ the bicycle has legibly and permanently stamped or cast on its frame a serial number, no less than one-eighth inch in size, and unique to the particular bicycle of each manufacturer. The serial number only shall be stamped or cast in the head of the frame, either side of the seat tube, the toeplate, or the bottom sprocket (crank) housing.

1 (b) *On and after January 1, 2004, a bicycle retailer may not sell*
2 *any new bicycle in this state unless the serial number required*
3 *under subdivision (a) is preceded by the letters “SN” legibly and*
4 *permanently stamped or cast on the frame in not less than*
5 *one-eighth inch size.*

6 SEC. 3. *Section 39010 is added to the Vehicle Code, to read:*

7 39010. (a) *For purposes of this section an “Internet bicycle*
8 *registration service” is an organization that does all of the*
9 *following:*

10 (1) *Provides a system for permanent registration and licensing*
11 *of bicycles.*

12 (2) *Maintains an electronic data base of bicycle registration,*
13 *numbers and other pertinent information, including, but not*
14 *limited to, the information required to be maintained by cities and*
15 *counties under Section 39005.*

16 (3) *Provides applicants for bicycle registration with a*
17 *registration form containing essentially the same information that*
18 *is provided on the form distributed by the department under*
19 *Section 39001.*

20 (4) *Provides persons who have registered their bicycles with*
21 *license indicia to be attached to the bicycle. Each license shall*
22 *identify the service that registered the bicycle and display the*
23 *bicycle’s registration number. The license indicia shall be*
24 *adhesive, durable, flexible, and of a size to permit it to be affixed*
25 *to the front of the seat tube of the bicycle frame.*

26 (5) *Provides Internet access to the bicycle registration data*
27 *base in a manner that allows law enforcement agencies to*
28 *independently search that data base. The search fields and their*
29 *entry sequence for data base searches shall seek to replicate those*
30 *in the Department of Justice CLETS.*

31 (6) *Ensures the privacy of personal information in the data*
32 *base by utilizing coded access safeguards to ensure that only*
33 *authorized representatives of local law enforcement agencies and*
34 *the Internet bicycle registration service can access the data. A*
35 *violation of this subdivision is subject to the criminal penalties*
36 *authorized under Section 1808.45 and the civil penalties*
37 *authorized under Section 1808.46.*

38 (7) *Allows persons who have registered their bicycles with the*
39 *service to make donations to improve bicycle safety programs and*
40 *establish bicycle facilities, including, but not limited to, bicycle*

1 *paths and lanes, within the jurisdictions in which those people*
2 *reside at the time of registration.*

3 *(8) Immediately transfers in full all donations received under*
4 *paragraph (7) to the appropriate jurisdiction, including any city*
5 *or county that has adopted an ordinance or resolution authorizing*
6 *that service as described in subdivision (c).*

7 *(b) An Internet bicycle registration service may register*
8 *bicycles and issue bicycle licenses under this division.*

9 *(c) A city or county that has adopted a bicycle licensing*
10 *ordinance or resolution may provide, by ordinance or resolution,*
11 *that any bicycle registered with an Internet bicycle registration*
12 *service recognized by the city or county is deemed to be registered*
13 *and licensed in that city or county in accordance with this division.*

14 *(d) A bicycle retailer or dealer who, at the time of sale, provides*
15 *for registration of the bicycle with an Internet bicycle registration*
16 *service shall be deemed to have complied with Section 39006.*

17 *(e) (1) The fees assessed by an Internet bicycle registration*
18 *service may not exceed the amounts authorized under Section*
19 *39004.*

20 *(2) A license renewal issued by an Internet bicycle registration*
21 *service for more than one year may be assessed for that license*
22 *renewal if the fee is not more than the renewal fee authorized under*
23 *subdivision (d) of Section 39004 multiplied by the number of years*
24 *for which the license renewal is issued.*

25 *(f) Any name, address, telephone number, or other personal*
26 *identification information contained in the data base maintained*
27 *under paragraph (2) of subdivision (a) shall be used only for the*
28 *purpose of locating and recovering lost or stolen bicycles, unless*
29 *another use is authorized by the written permission of the bicycle*
30 *registrant. A violation of this subdivision is subject to the criminal*
31 *penalties authorized under Section 1808.45 and the civil penalties*
32 *authorized under Section 1808.46.*

33 *SEC. 4. No reimbursement is required by this act pursuant to*
34 *Section 6 of Article XIII B of the California Constitution because*
35 *the only costs that may be incurred by a local agency or school*
36 *district will be incurred because this act creates a new crime or*
37 *infraction, eliminates a crime or infraction, or changes the penalty*
38 *for a crime or infraction, within the meaning of Section 17556 of*
39 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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